IN RE:

PETITION FOR SPECIAL HEARING W/S Robcaste Road. 2100' S of the c/l of Paper Mill Road

(14100 Robcaste Road) 10th Election District 3rd Councilmanic District

Ronald W. Diedeman, et ux and Jerome I. Rebold - Petitioners * BEFORE THE

* ZONING COMMISSIONER

* OF BALTIMORE COUNTY

Case No. 95-315-SPH

* * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing for that property known as 14100 Robcaste Road, located in the vicinity of Jacksonville, between Paper Mill Road and Jarrettsville Pike. The Petition was filed by the owners of the property, Ronald W. and Joan C. Diedeman, and Jerome I. Rebold. The Petitioners seek approval of an amendment to the Fourth Amended Final Development Plan for Four Ponds North, Tract A, Lot 9 thereof to create two lots by subdividing Lot 9 and adding 13,040 sq.ft. of contiguous R.C. 4 zoned land to proposed Lot 10. The subject property and relief sought are more particularly described on the site plan submitted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Ronald W. Diedeman and Jerome I. Rebold, co-owners of the subject property. They were unrepresented by Counsel. There were no Protestants present.

Testimony and evidence received revealed that the subject property was formerly known as Parcel C of Four Ponds North, a residential subdivision comprised of single family dwellings on relatively large lots located near Jarrettsville Pike in Jacksonville. The property consists of approximately 23 acres in area, is split zoned R.C. 4 and R.C. 5, and was established in the mid-1980s. At that time, eight (8) single family lots were proposed. These lots ranged in size from a little over 1.00 acre to

ORDER RECEIVED FOR FILING

ORDER RECEIVED FOR FILING

slightly over 3.00 acres. Although eight lots were laid out originally, part of the subject site remained undeveloped and was designated as Tract A. This parcel of land contains approximately 7.497 acres and is located on the extreme western side of Parcel C. The Petitioners now come before me seeking approval to subdivide Tract A to create two lots, in accordance with the site plan marked into evidence as Petitioner's Exhibit 1. This will result in a 10-lot subdivision. The proposed development of Tract A is within the permitted density allowed pursuant to the plan, which indicates that the site can be developed with 12 single family dwelling units. Proposed Lot 9 will consist of 3.94 acres and proposed Lot 10 will contain 3.53 acres.

Diedeman owns Tract A and is the Developer of this parcel. Apparently, while investigating the practicality of the proposed development, Mr. Diedeman determined that he could not obtain a valid percolation test for proposed Lot 10. Thus, he entered into negotiations with his neighbor, Jerome I. Rebold, for the acquisition of a small portion of Mr. Rebold's property which is not part of the originally subdivision. conducting further percolation tests, the parties agreed that Mr. Rebold would sell to Mr. Diedeman, 13,040 sq.ft. of his land, which is located adjacent to Tract A on the extreme western side of the Four Ponds North subdivision. This small piece of land would provide Mr. Diedeman with appropriate area for a successful percolation test for proposed Lot 10. In exchange, Mr. Diedeman agreed to provide the means for vehicular access to a newly created lot on the Rebold property. The Rebold lot, which contains 3.47 acres, was created through a minor subdivision of their proper-Apparently this subdivision has been approved by the Development Rety. view Committee, a group of Baltimore County Department Head representatives

who evaluate minor subdivisions for approval through an exemption from the Development Regulations.

As per the usual procedure for all zoning cases, the instant Petition for Special Hearing was reviewed by the Zoning Plans Advisory Committee (ZAC), which constitutes a number of agencies in Baltimore County who review and offer recommendations to the Zoning Commissioner with respect to any proposed development. It is to be noted that the Office of Planning and Zoning, by comments dated March 23, 1995, stated that "the plan is in accordance with the appropriate provisions of the Comprehensive Manual of Development Policies (C.M.D.P.) and meets the specific standards and requirements of the Baltimore County Zoning Regulations (B.C.Z.R.)." I Moreover, the Department of Environmental Protection and Resource agree. Management (DEPRM) offered several general recommendations which require the site to comply with certain environmental standards. I shall incorporate DEPRM's comments and recommendations as a condition of the relief granted herein. It is to be noted that, apparently, Section 1A03.5 of the B.C.Z.R. regarding cluster developments, is not applicable here, in that the affected lots total less than 10 acres.

Lastly, a comment was received from the Developer's Engineering Division of the Department of Public Works (DPW) relating to the storm water management facility. A subsequent note from Mr. Robert W. Bowling, Chief, of that Division, disclosed that his concerns would be satisfied during the subdivision process. Nonetheless, I will require the Petitioners to comply with any recommendations made by that agency prior to the issuance of any building permits.

Based upon the testimony and evidence offered, as well as the comments submitted by the various Baltimore County reviewing agencies, I

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am persuaded that the relief requested within the Petition for Special Hearing should be granted and shall so Order. However, as noted above, the Petitioners need ultimately comply with those recommendations made by the Developer's Engineering Division of DPW and DEPRM.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons stated above, the Petition for Special Hearing shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this And day of May, 1995 that the Petition for Special Hearing to approve an amendment to the Fourth Amended Final Development Plan for Four Ponds North, Tract A, Lot 9 thereof to create two lots by subdividing Lot 9 and adding 13,040 sq.ft. of contiguous R.C. 4 acreage to proposed Lot 10, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) Compliance with the Zoning Plans Advisory Committee comments submitted by the Developer's Engineering Division of DPW, dated March 27, 1995, and DEPRM, dated March 28, 1995, prior to the issuance of any building permits, copies of which have been attached hereto and made a part hereof.

3) When applying for any building permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

LES:bjs

Baltimore County Government Zoning Commissioner Office of Planning and Zoning



Suite 112 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

May 2, 1995

Mr. Ronald W. Diedeman 14100 Robcaste Road Phoenix, Maryland 21131

Mr. Jerome I. Rebold P.O. Box 9747 Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING
W/S Robcaste Road, 2100' S of the c/l of Paper Mill Road
(14100 Robcaste Road)
10th Election District - 3rd Councilmanic District
Ronald W. Diedeman, et ux and Jerome I. Rebold - Petitioners
Case No. 95-315-SPH

Dear Messrs. Diedeman and Rebold:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

LES:bjs

cc: People's Counsel

File



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at

14100 ROBCASTE RD

which is presently zoned

RC-4

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

FDP AMENDMENT, FOUR PONDS NORTH

PLAT AMENDMENT, TRACT A LOT (61/132)

FOR THE PURPOSE OF CREATING A LOT "10" BY

DIVIDING LOT "3" AND ADDING 13,040 SQ FT OF

CONTIGUOUS RC-4 ACREAGE TO LOT "1"

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County, adopted pursuant to the Zoning Law for Baltimore County.

			I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.
Contract Purchaser/Leus	see		Legal Owner(s).
(Type or Print Name)			ROHALD W. DIEDEMAN (TYPACE FILT Name) JOAN C. DIEDEMAN
Signature			Ronald W. Dieden John & Red
Address		ren'n' description of the Control of	Type or Print Name) JEROME 1. REBOLD
City	State	Zipcode	Signature
Attorney for Petitioner			14100 ROBCASTE RD Address Phone No
(Type or Print Name)			PHOENIX, MD 2(13) City State Zipcode Name, Address and phone number of representative to be contacted.
D Waller			JEROME 1. REBOLD
3	Phone No		PO BOX 9747 785-2247 Address Tow SON 21204 Phone No
	State	Zipcode	OFFICE USE ONLY ESTIMATED LENGTH OF HEARING unavailable for Hearing
per la	A	The same of the sa	ALL OTHER
1 6	MCCOFFE FILL		REVIEWED BY: DATE 3-8-9

ZONING DESCRIPTION

ZONING DESCRIPTION for 14100 Robcaste Rd, Phoenix, MD 21131

Beginning at a point on the West side of the cul-de-sac of Robcaste Rd which is 100 feet in diameter, at a distance of 2100 feet south of the centerline of the nearest intersecting street, Paper Mill Rd, which is 30 feet wide.

Being Lot 9 / Tract 'A' in the subdivision of Four Ponds North as recorded in Baltimore County Plat Book 60, Folio 9, which Lot 9 is separately recorded in Baltimore County Plat Book 61, Folio 132, containing 7.49 acres.

Also known as 14100 Robcaste Rd, Phoenix, MD 21131 and located in the 10th Election District, 3rd Councilmanic District.

307

Mulling of

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY 93-3/5-5PH Towns, Maryland

District 10th	Date of Posting 3/27/95
Posted for: Special Hearing	·
Petitioner: Ronald W. loan C. & Jeron	. In Dio de man
Posted for: Special Hearing Petitioner: Ronold W. Joan C. & John Location of property: 14100 Robcos H. Rd.	ws
Location of Signe: Faving road way, on	property being tone be
Remarks:	
Posted by Maffects Signature	Data of return: 3/31/95
Number of Signs:/	
,	er period de mullo

notice of Hearing

The Zoning Commissioner of Baltimore County by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building; logated at 111 W. Chesapeake. Avenue III Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington. Avenue, Towson, Maryland 21204 as follows:

_Case Number(= *

95-215-SAH (Item 307) 14100 Fahit Brand Fload W.S. Robossis Rosd , \$100

Stol of Paper MIL Road 10th Region Detroit 20 Dourstinens Legal Owner(8)

Ronald W. Diedeman, Joan C. Diedeman and Jerome I. Rebold HEARING: WEDNESDAY, APRIL 12, 1995 at 2:00, p.m. In Rm. 106, County Oflice Building.

Special Hearing: to approve FDP amendment, Four Ponds North platt amendment, Tract "A"/Lot 3 (61/132) for the purpose of creating a lot "10" by dividing lot "9" and adding 13,040 square feet of contiguous R.C. 4 acreage to lot "10"

LAWRENCE E. SCHMIDT,
Zoning Commissioner for
Baltimore County
NOTES: (1) Hearings are Handlcapped accessible; for special
accommodations Please Call
887-3953

(2)For information concerning the File and/or Hearing Flease Call 887-3391

3/319 March 23.

CERTIFICATE OF PUBLICATION

	1	
TOWSON, MD.,	3/24_	, 19 <i>9</i> 5

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of _____ successive weeks, the first publication appearing on _____3/23_______, 19 95.

THE JEFFERSONIAN.

a. Henrilson LEGAL AD. TOWSON

A STATE OF THE STA

Publisher

C. Henrich in



fallesen

Account: R-001-6150 95-315-

3-5-95

FONALD DIEDEMAN.

SPH. HR(r. (030) -

POSTING (050)

\$85,00

03A03#0006M/CHRC Please Make Checks Payable To: Baltimore County 003=12FN03-08-95

Cashler Valldation

Baltimore County Government Office of Zoning Administration and Development Management



111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper. NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

	ARNOID GABLON, DIRECTOR
For newspaper advertising	ng:
Item No.: 307	
Petitioner: DIEDEI	MAN + REBOLD
Location: 14100	ROBCASTE RD
PLEASE FORWARD ADVERTISE	ING BILL TO:
NAME: J. REBOL	D
ADDRESS: PO BOX	3747
BALTIMO	RE, MD 21204
PHONE NUMBER: 785-	2247
	and mental day

AJ:ggs '

(Revised 04/09/93)



Baltimore County Government Office of Zoning Administration and Development Management



111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

March 20, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-315-SPH (Item 307)

14100 Robcaste Road

W/S Robcaste Road, 2100' S of c/l Paper Mill Road

10th Election District - 3rd Councilmanic

Legal Owner(s): Ronald W. Diedeman, Joan C. Diedeman and Jerome I. Rebold

HEARING: WEDNESDAY, APRIL 12, 1995 at 2:00 p.m. in Room 106, County Office Building.

Special Hearing to approve FDP amendment, Four Ponds North plat amendment, Tract "A"/Lot 3 (61/132) for the purpose of creating a lot "10" by dividing lot "9" and adding 13,040 square feet of contiguous R.C.-4 acreage to lot "10".

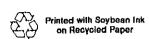
Arnold Jablon Director

cc: Ronald and Joan Diedeman and Jerome I. Rebold

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
- (3) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

AF ELECTION OF THE PROPERTY OF THE PARTY OF



PET ONER WILL BE Supplyme 12 copies OF 3RD AMENDED PLAN.

9m

307

Baltimore County Governmer Office of Zoning Administration and Development Management



111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

April 5, 1995

Mr. and Mrs. Ronald W. Diedeman 14100 Robcaste Road Phoenix, Maryland 21131

RE: Item No.: 307

Case No.: 95-315-SPH

Petitioner: R. W. Diedeman, et ux

Dear Mr. and Mrs. Diedeman:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by, the Office of Zoning Administration and Development Management (ZADM), Development Control Section on March 8, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

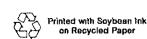
If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

W. Carl Richards, Jr.

Zoning Supervisor

WCR/jw
Attachment(s)





BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO:

Mr. Arnold Jablon, Director

March 28, 1995

Zoning Administration and Development Management

FROM:

J. Lawrence Pilson

Development Coordinator, DEPRM

SUBJECT:

Zoning Item #307 - Four Ponds North

14100 Robcaste Road

Zoning Advisory Committee Meeting of March 20, 1995

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

Environmental Impact Review

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains.

The existing and new lots should be required to comply with Forest Conservation Regulations and Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains.

Agricultural Preservation Program

If this proposal requires that the plan meet BCZR 1A03.5, the plan should indicate the designated Conservancy Area and record an easement.

Ground Water Management

Prior to subdivision approval soil percolation tests must be conducted. Prior to building permit a water well meeting minimum Baltimore County standards must be drilled.

JLP:DL:WL:sp

FOURPON/DEPRM/TXTSBP

MICROFILMED

BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: March 27, 1995 Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief Developers Engineering Section

RE:

Zoning Advisory Committee Meeting for March 27) 1995 Item No 307

The Developers Engineering Section has reviewed the subject zoning item. Per recorded plat SM 60/009, recorded March 31, 1989, please be advised that Note #7, states "Development of Tract "A" will require additional storm water management." and Note #8 states, "Maintenance of the storm water management facility will be privately shared by all residents." Also, the existing 16-foot macadam paved panhandle drive will be carried beyond the driveways of Lots 9 and 10, and from this point until the paved turnaround at house #14102 the macadam drive will be 12 feet wide.

A landscape plan must be approved prior to release of permits.

RWB:sw

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director Zoning Administration & Development Management

FROM: Pat Keller, Director

Office of Planning and Zoning

DATE: March 23, 1995

SUBJECT: 14100 Robcaste Road

INFORMATION:

Item Number:

307

Petitioner:

Diedeman/Rebold

Property Size:

Zoning:

R.C.-4

Requested Action:

Special Hearing

Hearing Date:

/ /

SUMMARY OF RECOMMENDATIONS:

The applicant requests a Special Hearing to approve a FDP amendment for Four Ponds North Tract A/Lot 9 for the purpose of creating an additional lot by subdividing Lot 9 and adding 13,040 sq. ft. of contiguous R.C.-4 acreage to Lot 10.

The Development Review Committee approved a limited exemption for this project on September 19, 1994.

Regarding the FDP amendment, the director of the Office of Planning and Zoning is required to make certain findings in approving amendments to Final Development Plans. The director is charged with determining whether the amendments are in accordance with all other provisions of the C.M.D.P., and whether the amendments are within the specific standards and requirements of Article 1B of the B.C.R.Z.

Based upon a review of the information provided, the staff finds that the plan is in accordance with the appropriate provisions of the C.M.D.P. and meets the specific standards and requirements of the Zoning Regulations.

Prepared by

Division Chief:

PK/JL

Company of the State

Baltimore County Government Fire Department



700 East Joppa Road Suite 901 Towson, MD 21286-5500

(410) 887-4500

DATE: 03/22/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF MAR. 20, 1995.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 304, 305, 306, 308, 310, 311, 312 AND 313. ?



ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, FHONE 887-4881, MS-1102F

cc: File



O. James Lighthizer Secretary Hal Kassoff Administrator

Ms. Joyce Watson Zoning Administration and Development Management County Office Building Room 109 111 W. Chesapeake Avenue Towson, Maryland 21204

Re:

3-31-95

Baltimore County
Item No.: \$307 (JCM)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

My telephone number is

Very truly yours,

Ronald Burns, Chief **Engineering Access Permits**

Division

BS/

MICROFILMEL

Maryland Relay Service for Impaired Hearing or Speech 1-800-735-258 Statewide Toll Free

PETITION PROBLEMS - AGENDA OF 3/205

#304 -- JRA

- 1. No address, zip code, or telephone number for legal owner.
- 2. No authorization for person signing for legal owner.
- 3. Review information on petition form not completed.

#305 -- MJK

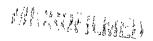
1. Need attorney - improvement association is incorporated.

#307 -- JCM

1. No telephone number for legal owner.

#309 -- MJK

1. No telephone number for legal owner.



ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the abovecaptioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Peter Max Emmannan

CAROLE S. DEMILIO

Deputy People's Counsel Room 47, Courthouse 400 Washington Avenue Towson, MD 21204 (410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29 day of March, 1995, a copy of the foregoing Entry of Appearance was mailed to Ronald W. and Joan C. Diedeman and Jerome I. Rebold, 14100 Robcaste Road, Phoenix, MD 21131, Petitioners.

Peter Max amnerman

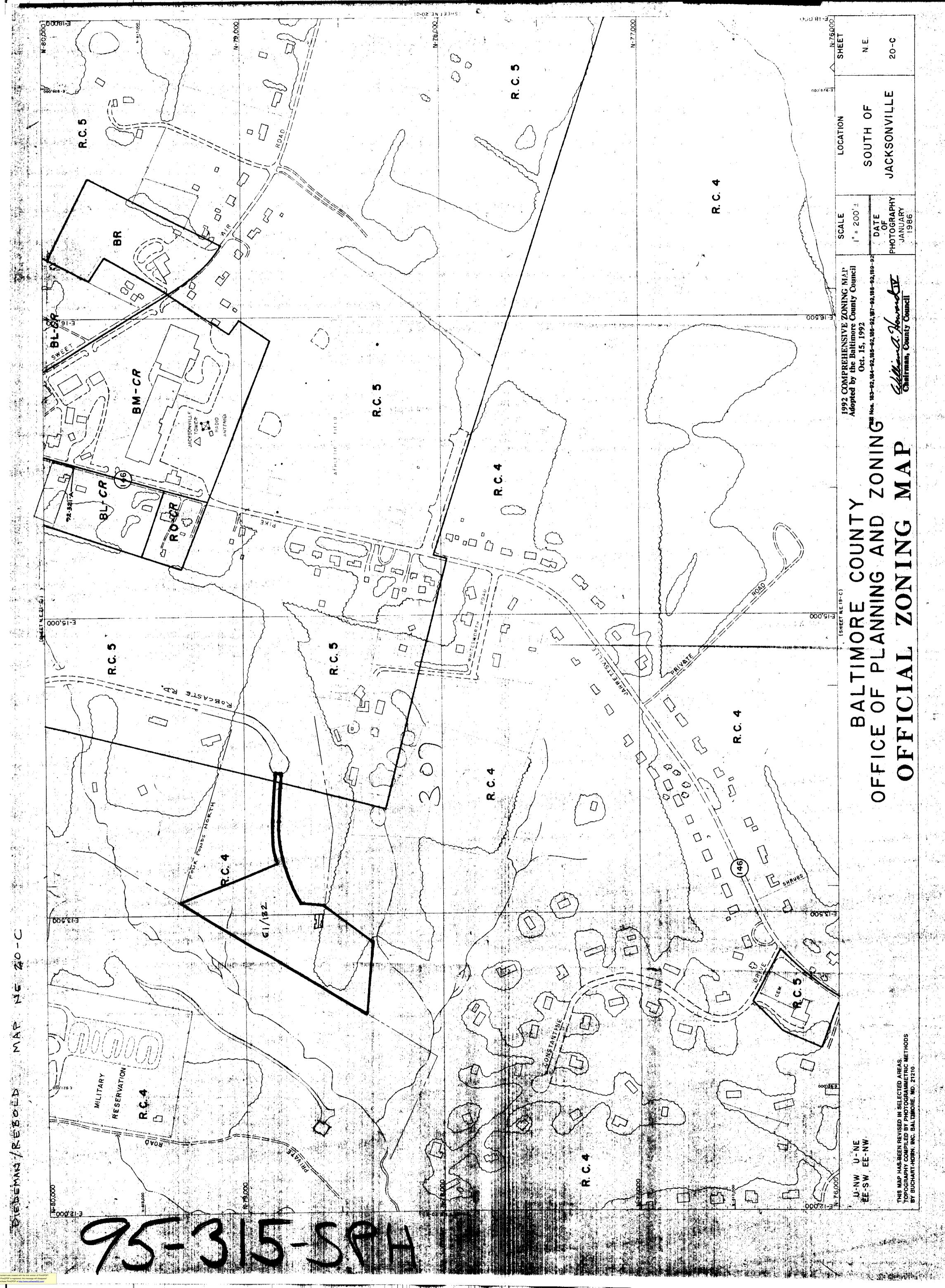
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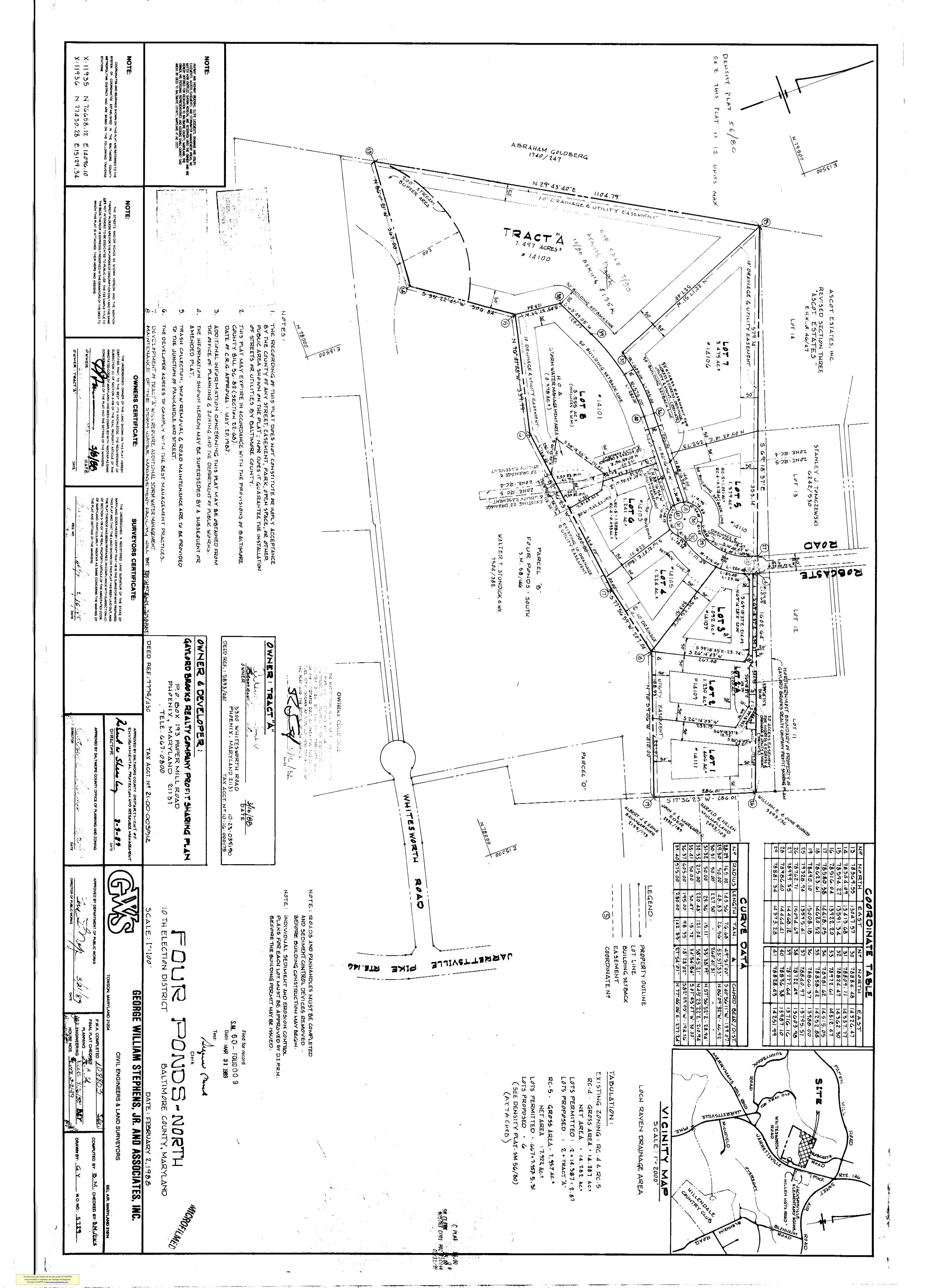
PETITIONER(S) SIGN-IN SHEET

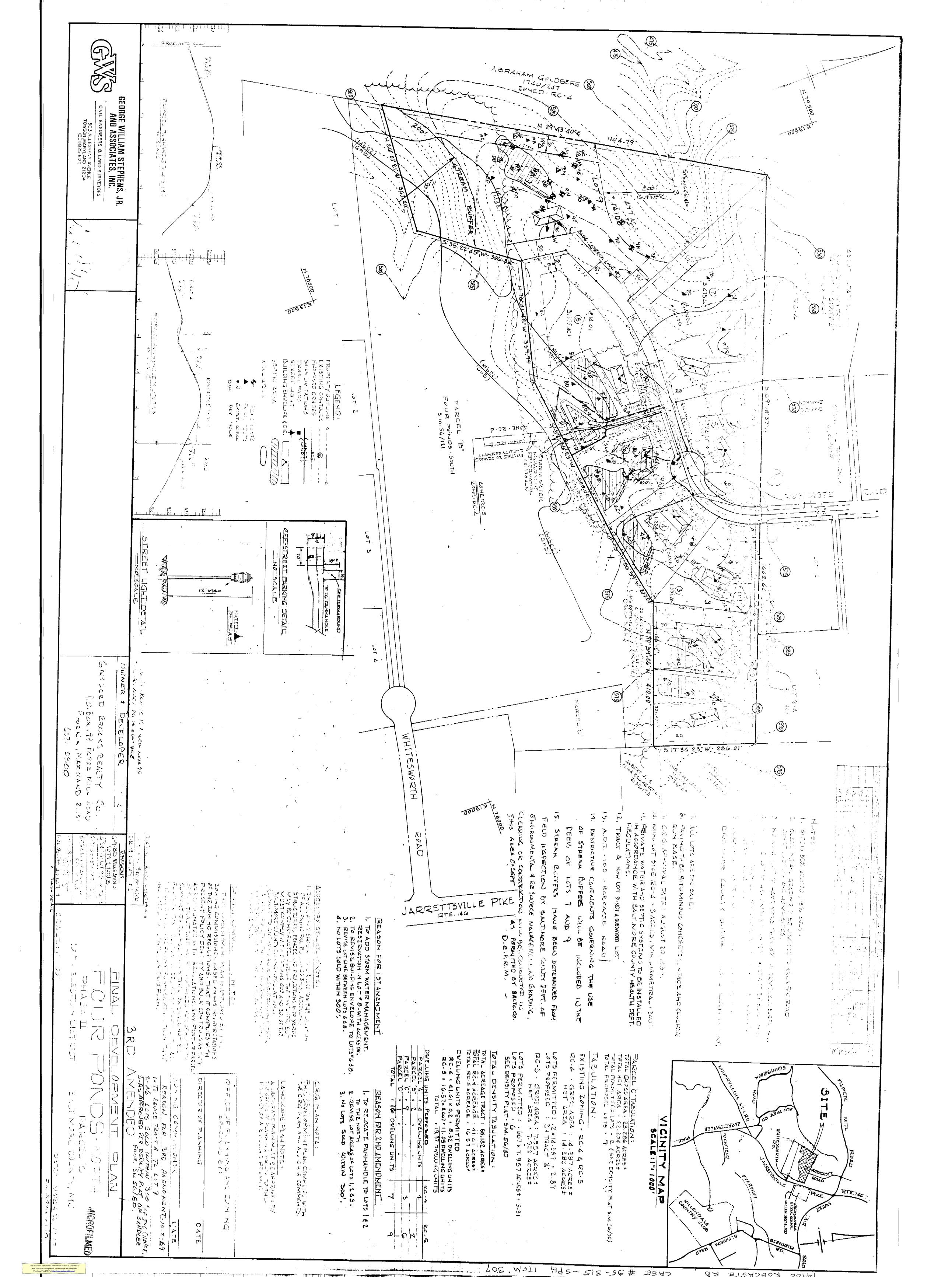
NAME	ADDRESS		
RONALD W. DIEDEMAN	14160 ROBCHSTE AD. 21131		
BONALD W. DIEDEMAN JEROME 1. REBOLD	POB 9747 TOWSON 21204		
	,		

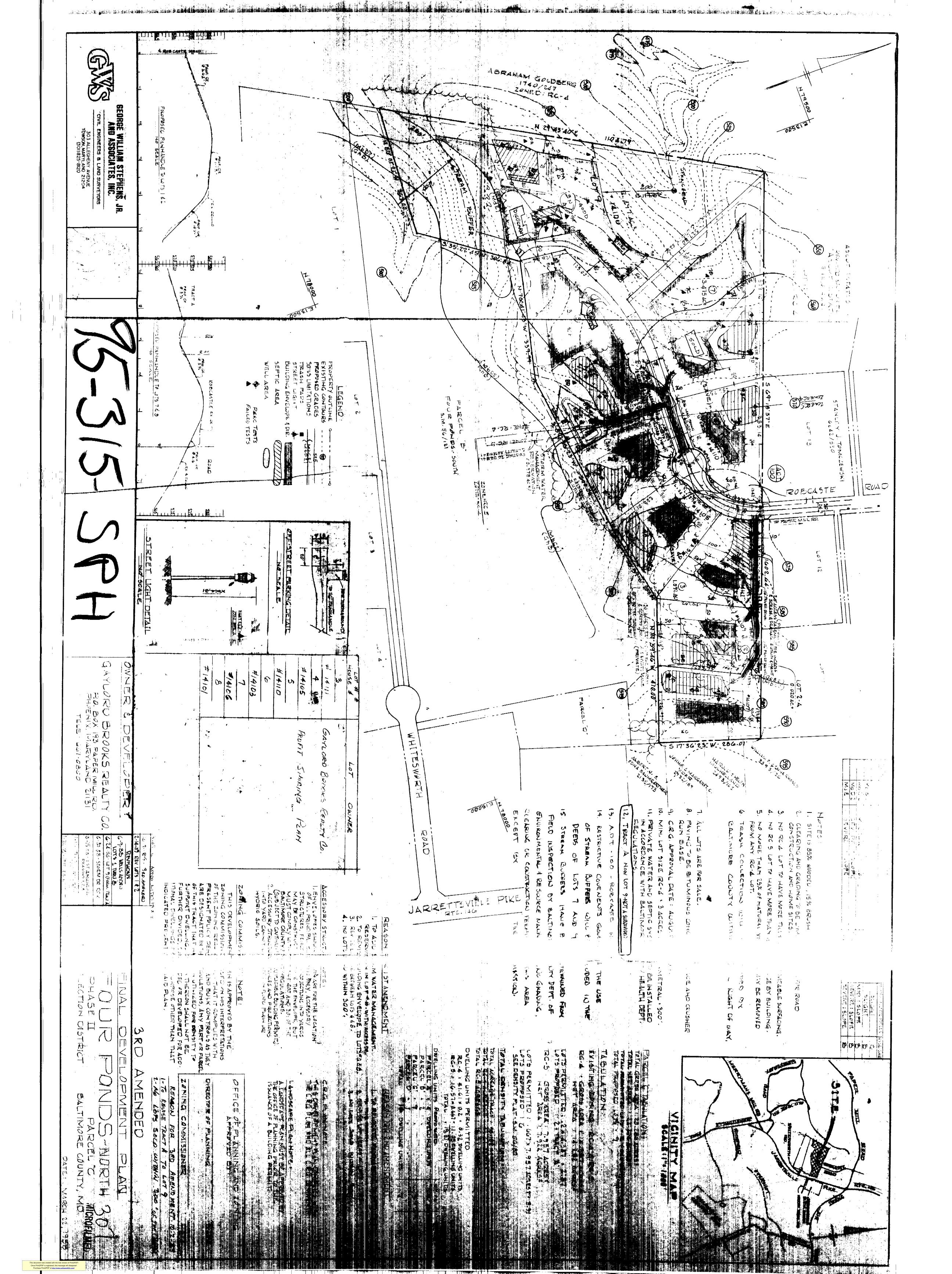
Cake Strain



MCREHIME





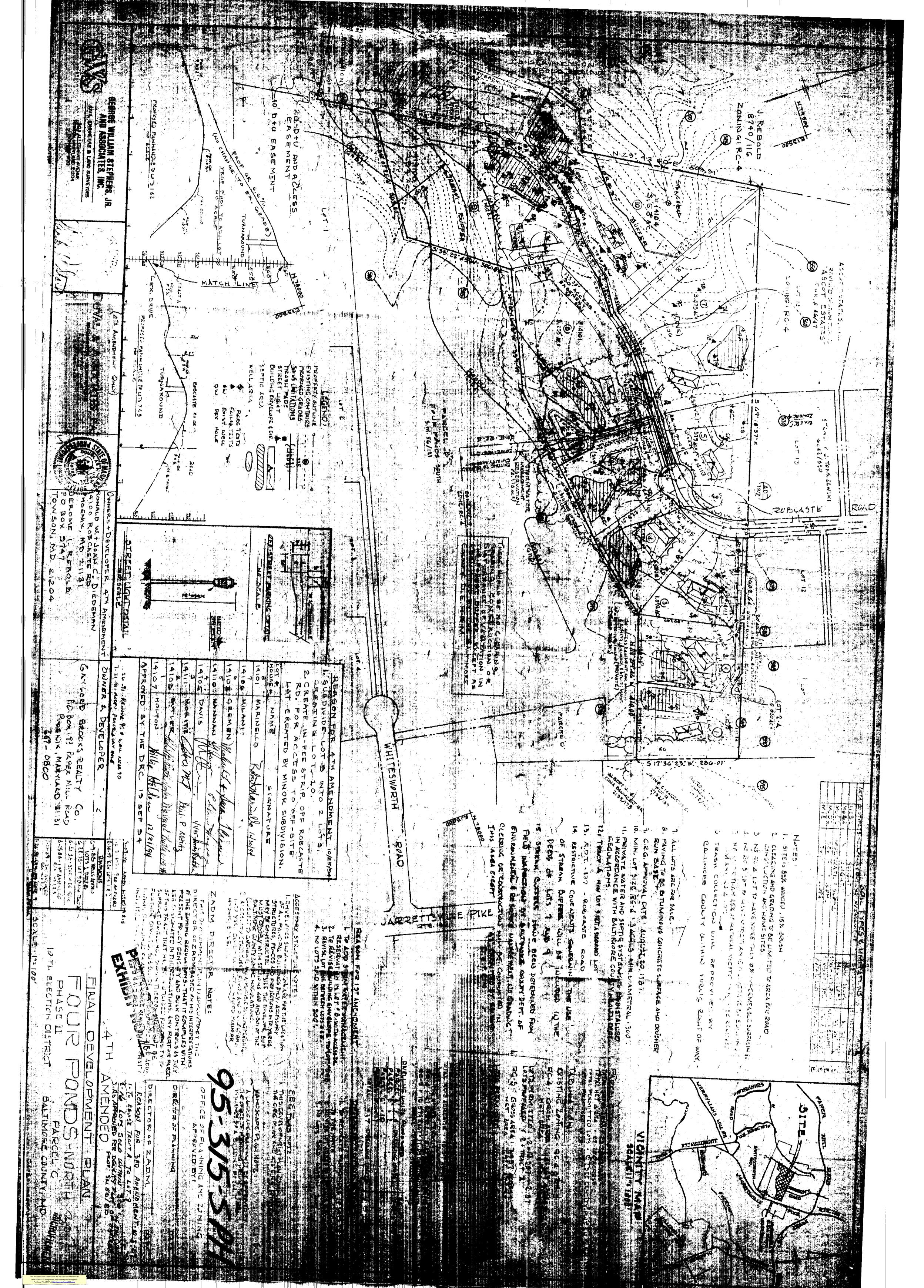


PLAN TO ACCOMPANY SPECIAL HEARING

Property of

Ronald W. and Joan C. Diedeman, 14100 Robcaste Rd, Phoenix, MD

Zoning history: see 56/80, Overall Density Plat for Sandler Property Jerome I. Rebold, P O Box 9747, Towson, MD 21204 This plan approved by the ORC 19 Sep 94.



IN RE: PETITION FOR SPECIAL HEARING the c/l of Paper Mill Road (14100 Robcaste Road) 10th Election District

W/S Robcaste Road. 2100' S of * ZONING COMMISSIONER

Ronald W. Diedeman, et ux and

* OF BALTIMORE COUNTY 3rd Councilmanic District * Case No. 95-315-SPH

Jerome I. Rebold - Petitioners *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

* * * * * * * * * *

This matter comes before the Zoning Commissioner as a Petition for Special Hearing for that property known as 14100 Robcaste Road, located in the vicinity of Jacksonville, between Paper Mill Road and Jarrettsville Pike. The Petition was filed by the owners of the property, Ronald W. and Joan C. Diedeman, and Jerome I. Rebold. The Petitioners seek approval of an amendment to the Fourth Amended Final Development Plan for Four Ponds North, Tract A, Lot 9 thereof to create two lots by subdividing Lot 9 and adding 13,040 sq.ft. of contiguous R.C. 4 zoned land to proposed Lot 10. The subject property and relief sought are more particularly described on the site plan submitted and marked into evidence as Petitioner's Exhibit 1.

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Testimony and evidence received revealed that the subject property was formerly known as Parcel C of Four Ponds North, a residential subdivision comprised of single family dwellings on relatively large lots located near Jarrettsville Pike in Jacksonville. The property consists of approximately 23 acres in area, is split zoned R.C. 4 and R.C. 5, and was established in the mid-1980s. At that time, eight (8) single family lots were proposed. These lots ranged in size from a little over 1.00 acre to slightly over 3.00 acres. Although eight lots were laid out originally, part of the subject site remained undeveloped and was designated as Tract A. This parcel of land contains approximately 7.497 acres and is located on the extreme western side of Parcel C. The Petitioners now come before me seeking approval to subdivide Tract A to create two lots, in accordance with the site plan marked into evidence as Petitioner's Exhibit 1. This will result in a 10-lot subdivision. The proposed development of Tract A is within the permitted density allowed pursuant to the plan, which indicates that the site can be developed with 12 single family dwelling units. Proposed Lot 9 will consist of 3.94 acres and proposed Lot 10 will contain 3.53 acres.

Mr. Diedeman owns Tract A and is the Developer of this parcel. Apparently, while investigating the practicality of the proposed development, Mr. Diedeman determined that he could not obtain a valid percolation test for proposed Lot 10. Thus, he entered into negotiations with his neighbor, Jerome I. Rebold, for the acquisition of a small portion of Mr. Rebold's property which is not part of the originally subdivision. After conducting further percolation tests, the parties agreed that Mr. Rebold would sell to Mr. Diedeman, 13,040 sq.ft. of his land, which is located adjacent to Tract A on the extreme western side of the Four Ponds North subdivision. This small piece of land would provide Mr. Diedeman with appropriate area for a successful percolation test for proposed Lot 10. In exchange, Mr. Diedeman agreed to provide the means for vehicular access to a newly created lot on the Rebold property. The Rebold lot, which contains 3.47 acres, was created through a minor subdivision of their proper-Apparently this subdivision has been approved by the Development Review Committee, a group of Baltimore County Department Head representatives

who evaluate minor subdivisions for approval through an exemption from the Development Regulations.

As per the usual procedure for all zoning cases, the instant Petition for Special Hearing was reviewed by the Zoning Plans Advisory Committee (ZAC), which constitutes a number of agencies in Baltimore County who review and offer recommendations to the Zoning Commissioner with respect to any proposed development. It is to be noted that the Office of Planning and Zoning, by comments dated March 23, 1995, stated that "the plan is in accordance with the appropriate provisions of the Comprehensive Manual of Development Policies (C.M.D.P.) and meets the specific standards and requirements of the Baltimore County Zoning Regulations (B.C.Z.R.)." I agree. Moreover, the Department of Environmental Protection and Resource Management (DEPRM) offered several general recommendations which require the site to comply with certain environmental standards. I shall incorporate DEPRM's comments and recommendations as a condition of the relief granted herein. It is to be noted that, apparently, Section 1A03.5 of the B.C.Z.R. regarding cluster developments, is not applicable here, in that the affected lots total less than 10 acres.

Lastly, a comment was received from the Developer's Engineering Division of the Department of Public Works (DPW) relating to the storm water management facility. A subsequent note from Mr. Robert W. Bowling, Chief, of that Division, disclosed that his concerns would be satisfied during the subdivision process. Nonetheless, I will require the Petitioners to comply with any recommendations made by that agency prior to the ssuance of any building permits.

Based upon the testimony and evidence offered, as well as the comments submitted by the various Baltimore County reviewing agencies, I

- 3-

am persuaded that the relief requested within the Petition for Special Hearing should be granted and shall so Order. However, as noted above, the Petitioners need ultimately comply with those recommendations made by the Developer's Engineering Division of DPW and DEPRM.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons stated above, the Petition for Special Hearing shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this Little day of May, 1995 that the Petition for Special Hearing to approve an amendment to the Fourth Amended Final Development Plan for Four Ponds North, Tract A, Lot 9 thereof to create two lots by subdividing Lot 9 and adding 13,040 sq.ft. of contiguous R.C. 4 acreage to proposed Lot 10, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED subject to the following restrictions:

> 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order: however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

> 2) Compliance with the Zoning Plans Advisory Committee comments submitted by the Developer's Engineering Division of DPW , dated March 27, 1995, and DEPRM, dated March 28, 1995, prior to the issuance of any building permits, copies of which have been attached hereto and made a part hereof.

> 3) When applying for any building permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

> > Zoning Commissioner for Baltimore County

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

Suite 112 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

Mr. Ronald W. Diedeman 14100 Robcaste Road Phoenix, Maryland 21131

Mr. Jerome I. Rebold P.O. Box 9747 Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING W/S Robcaste Road, 2100' S of the c/l of Paper Mill Road (14100 Robcaste Road) 10th Election District - 3rd Councilmanic District Ronald W. Diedeman, et ux and Jerome I. Rebold - Petitioners Case No. 95-315-SPH

Dear Messrs. Diedeman and Rebold:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

LES:bjs

cc: People's Counsel

for Baltimore County

Petition for Special Hearing

to the Zoning Commissions 75-315-5 PH

for the property located at 14100 ROBCASTE RD

which is presently zoned RC-4 This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached

hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County. to determine whether or not the Zoning Commissioner should approve FDP AMENDMENT, FOUR PONDS NORTH PLAT AMENDMENT, TRACT A / LOT 9 (61/132)

FOR THE PURPOSE OF CREATING A LOT "10" BY DIVIDING LOT "S AND ADDING 13,040 SQ FT OF CONTIGUOUS RC-4 ACREAGE TO LOT "10"

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

(Type or Frint Name)	4	
Signature		
Address		
Cay	State	Zipcode
Attorney for Petitioner		
<u> </u>		
	Phone	
	Phone I	Pocode

I/We do solemnly dectare and affirm, under the penalties of perjury, that I/we are the RONALD W. DIEDEMAN Rouald W. Dieden for Lederns

JEROME I. REBOLD 14100 ROBCASTE RD PHOENIX, MD 2(13)
City State 2 Change Address and phone number of representative to be contacted JEROME 1. REBOLD

PO BOX 9747 185-2247

ZONING DESCRIPTION

ZONING DESCRIPTION for 14100 Robcaste Rd. Phoenix, MD 21131

Beginning at a point on the West side of the cul-de-sac of Robcaste Rd which is 100 feet in diameter, at a distance of 2100 feet south of the centerline of the nearest intersecting street, Paper Mill Rd, which is 30 feet wide.

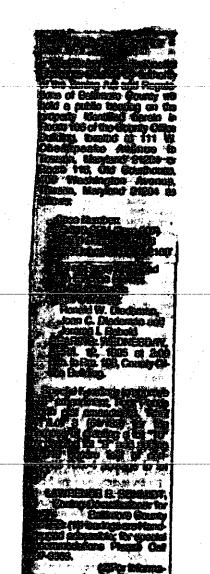
95-315-SPH

Being Lot 9 / Tract 'A' in the subdivision of Four Ponds North as recorded in Baltimore County Plat Book 60, Folio 9, which Lot 9 is separately recorded in Baltimore County Plat Book 61, Folio 132, containing 7.49 acres.

Also known as 14100 Robcaste Rd, Phoenix, MD 21131 and located in the 10th Election District, 3rd Councilmanic District.

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY 93-3/5-5PH

Towsen, Maryland	
District 10th Posted for: Special Hearing	Date of Posting 3/27/95
Petitioner: Ronold VI Joan C. L.	Jonoma F. Dio do mon
Location of property: 11100 Rober 11	Jonoma F. Dio do man
Location of Signe Facing 200d way,	••••
Remarks:	
Posted by Mallacter Signature Signature	Date of return: 9/31/95



LES:bjs

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of ____ successive weeks, the first publication appearing on 3/23 . 19 95.

LEGAL AD. - TOWSON

Printed with Soybean In on Receyoted Paper

March 28, 1995

03A03#0006MICHRC

Please Make Checks Payable To: Baltimore County

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

Mr. Arnold Jablon, Director Zoning Administration and

Gashler Validation

Development Management J. Lawrence Pilson

Development Coordinator, DEPRM

SUBJECT: Zoning Item #307 - Four Ponds North 14100 Robcaste Road

Zoning Advisory Committee Meeting of March 20, 1995

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

Environmental Impact Review

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains. The existing and new lots should be required to comply with Forest

Conservation Regulations and Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains.

Agricultural Preservation Program

If this proposal requires that the plan meet BCZR 1A03.5, the plan should indicate the designated Conservancy Area and record an easement.

Ground Water Management

Prior to subdivision approval soil percolation tests must be conducted. Prior to building permit a water well meeting minimum Baltimore County standards must be drilled.

JLP:DL:WL:sp FOURPON/DEPRM/TXTSBP

Baltimore County Government Office of Zoning Administration and Development Management

HT West Chesapeake Avenue

(410) 887-3353 ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

newspaper of general circulation in the County.

1) Posting fees will be accessed and paid to this office at the

2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper. NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

For newspaper advertising:

Item No.: 307

Petitioner: DIEDEMAN + REBOLD

Location: 14100 ROBCASTE RD

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: March 27, 1995

The Developers Engineering Section has reviewed

states "Development of Tract "A" will require additional

storm water management." and Note #8 states, "Maintenance of the storm water management facility will be privately shared

by all residents." Also, the existing 16-foot macadam paved

panhandle drive will be carried beyond the driveways of Lots

9 and 10, and from this point until the paved turnaround at

A landscape plan must be approved prior to release of

the subject zoning item. Per recorded plat SM 60/009, recorded March 31, 1989, please be advised that Note #7,

house #14102 the macadam drive will be 12 feet wide.

FROM: Robert W. Bowling, P.E., Chief Developers Engineering Section

for Maron 27, 1995

Item No 307

permits.

Zoning Adv180ry Committee Meeting

Zoning Administration and Development Management

PLEASE FORWARD ADVERTISING BILL TO:

NAME: J. REBOLD

ADDRESS: PO BOX 3747 BALTIMORE, MD 21204

PHONE NUMBER: 785-2247

Printed on Secycled Paper

Towson, MD 21204

(Revised 04/09/93)

Office of Zoning Administration and Development Management



(410) 887-3353

March 20, 1995

111 West Chesapeake Avenue

Towson, MD 21204

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

Room 118, Old Courthouse, 400 Washington Evenne, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-315-SPH (Item 307)

14100 Robcaste Road W/S Robcaste Road, 2100' S of c/l Paper Mill Road

10th Election District - 3rd Councilmanic Legal Owner(s): Ronald W. Diedeman, Joan C. Diedeman and Jerome I. Rebold

HEARING: WEDNESDAY, APRIL 12, 1995 at 2:00 p.m. in Room 106, County Office Building.

Special Hearing to approve FDP amendment, Four Ponds North plat amendment, Tract "A"/Lot 3 (61/132) for the purpose of creating a lot "10" by dividing lot "9" and adding 13,040 square feet of contiguous R.C.-4

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE. (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353. (3) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director Zoning Administration & Development Management

FROM: Pat Keller, Director Office of Planning and Zoning

DATE: March 23, 1995

INFORMATION:

Petitioner:

SUMMARY OF RECOMMENDATIONS:

The applicant requests a Special Hearing to approve a FDP amendment for Four Ponds North Tract A/Lot 9 for the purpose of creating an additional lot by subdividing Lot 9 and adding 13,040 sq. ft. of contiguous R.C.-4 acreage to Lot 10.

The Development Review Committee approved a limited exemption for this project on September 19, 1994.

Regarding the FDP amendment, the director of the Office of Planning and Zoning is required to make certain findings in approving amendments to Final Development Plans. The director is charged with determining whether the amendments are in accordance with all other provisions of the C.M.D.P., and whether the amendments are within the specific standards and requirements of Article 1B of the B.C.R.Z.

ITEM307/PZONK/TXTJWL

SUBJECT: 14100 Robcaste Road

Item Number:

Based upon a review of the information provided, the staff finds that the plan is in accordance with the appropriate provisions of the C.M.D.P. and meets the specific standards and requirements of the Zoning Regulations.

Mr. and Mrs. Ronald W. Diedeman

RE: Item No.: 307 Case No.: 95-315-SPH Petitioner: R. W. Diedeman, et ux

(410) 887-3353

Dear Mr. and Mrs. Diedeman:

14100 Robcaste Road

Phoenix, Maryland 21131

111 West Chesapeake Avenue

Towson, MD 21204

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by, the Office of Zoning Administration and Development Management (ZADM), Development Control Section on March 8, 1995.

Baltimore County Governmer Office of Zoning Administration

and Development Management

April 5, 1995

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Attachment(s)

Printed with Soybean link on Recycled Paper

Baltimore County Government Fire Department

(410) 887-4500

DATE: 03/22/95

Director Zonico Administration and Development Management Paltimore County Office Building Towson, MD 21204 MAIL STOP-1105

700 East Joppa Road Suite 901

Towson, MD 21286-5500

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF MAR. 20, 1995.

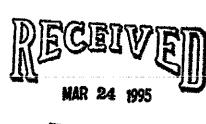
Item No.: SEE BELOW Zoning Agenda:

Gentlemen:

Accold Jablen

Pursuant to your request, the referenced property has been surveyed by this Eureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time. IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 304, 305, 306, 307, 308, 310, 311, 312 AND 313. 3



REVIEWER: LT. ROBERT P. SAUERWALD Fire Marshal Office, FMCNE 887-4881, MS-110EF

cc: File



O. James Lighthizer Secretary Hal Kassoff Administrator

3-31-95

.... ------

Ms. Joyce Watson
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: \$307 (JCM)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Low Snall
On Ronald Burns, Chief

Engineering Access Permits Division

BS/

 PETITION PROBLEMS - AGENDA OF 3/205

#304 -- JRA

- 1. No address, zip code, or telephone number for legal owner.
- 2. No authorization for person signing for legal owner.
- Review information on petition form not completed.

#305 -- MJK

Need attorney - improvement association is incorporated.

#307 -- JCM

No telephone number for legal owner.

#309 -- MJK

No telephone number for legal owner.

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the abovecaptioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CAROLE S. DEMILIO
Deputy People's Counsel

Room 47, Courthouse 400 Washington Avenue Towson, MD 21204 (410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this day of March, 1995, a copy of the foregoing Entry of Appearance was mailed to Ronald W. and Joan C. Diedeman and Jerome I. Rebold, 14100 Robcaste Road, Phoenix, MD 21131, Petitioners.

Peter Max Emmen

PETER MAX ZIMMERMAN

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
RONALD W. DIEDEMAN	1416° REPORTE RD 21131
JEROME 1. REBOLD	14160 ROBERSTE RD 21131 POE 9747 TOWSON 21204
	·

